

## REMARKS

### Substance of Interview

Applicant's representative Elliott Mason (Reg. No. 56,569) thanks the Examiner for the telephone interview on July 9, 2008. In accordance with MPEP Section 713.04, the substance of the interview is included herein. No exhibits were shown. Applicant's representative asked for a specific basis for the rejections of claims 27 and 44, since these claims (among others) were not specifically addressed in the Office Action.

The Examiner indicated that the subject matter of claim 27 was not disclosed in the references, that the rejection of claim 27 would be withdrawn, and that claim 27 would be allowable. No agreement was reached with respect to any other prior art rejections.

With respect to the basis for the 102(e) rejection of claim 44, the Examiner indicated that the "wireless station 5" in Fig. 1B of Benveniste was being interpreted as the recited "second station" of claim 44.

### Allowable Subject Matter

On page 7 of the Office Action, claims 12, 13, 15, 16, 18, 19, 28, 29, and 35 are indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. During the interview, the Examiner indicated that claim 27 would also be allowable.

The Applicant has rewritten claims 15, 16, 18, and 27 in independent form including all of the limitations of the base claims and any intervening claims. Because all of these claims depend from claim 9 which is multiply dependent on claims 1 and 5, each claim was canceled and replaced by two new independent claims. These eight independent claims are listed as claims 57-64. Claims 19 and 35 have been amended to depend from new independent claims 58 and 62, instead of canceled claim 16. As such, claims 19, 35, and 57-64 are now believed to be in condition for allowance.

Prior art Rejections

Claims 1, 3-11, 14, 17, 20-21, 23-27, 30-31, 33-34, and 37-54 stand rejected under 35 U.S.C. 102(c) as being anticipated by U.S. Patent No. 7,280,517 ("Benveniste"). Claims 22 and 36 stand rejected under 35 U.S.C. 103(a) as unpatentable over Benveniste in view of U.S. Patent No. 5,793,861 ("Haigh"). Claim 32 stands rejected under 35 U.S.C. 103(a) as unpatentable over Benveniste in view of et al. U.S. Application No. 2005/0192011 ("Hong").

*Independent claims 1 and 5*

Applicant respectfully submits that Benveniste does not disclose or suggest at least "having a second station that desires to establish a second session of regularly repeated contention-free transmissions add the second session to the contention-free interval by broadcasting information descriptive of the second session taking into account the information descriptive of the first session, wherein the second station can be any of the plurality of stations," as recited by amended claim 1, or "distributing control over the initiation and makeup of transmissions within the contention free intervals to the plurality of stations so that any of the plurality of stations can establish a session of regularly repeated contention free transmissions within the intervals by broadcasting information descriptive of the session taking into account any previously broadcast information descriptive of any previous session established by a different station, and so that any of the plurality of stations can independently initiate a transmission within the contention free intervals," as recited by claim 5.

With respect to claim 1, on page 3 of the Office Action, the Examiner states that Benveniste discloses:

having a first station (e.g. the station 3 in Fig. 1A) that desires to establish a first session of regularly repeated contention-free transmission intervals broadcast information descriptive of the first session to the other stations (e.g. the station 3 transmit the beacon packet to other stations as show in Fig. 1A and the beginning of a contention-free period see col. 5, lines 50-60), wherein the first station can be any of the plurality of stations (e.g. the station 3 in Fig. 1A is a wireless station serves as AP of cell);

The Examiner is interpreting the "wireless station 3" in Fig. 1A as the recited "first station," and the "beacon packet" as the recited "information descriptive of the first session." However, as the Examiner notes, Benveniste describes station 3 as the access point (AP) of cell

A (e.g., see col. 11, line 39), so is not true that “the first station can be any of the plurality of stations” in Fig. 1A since Benveniste describes that it is the access point that initiates contention-free sessions (e.g., see col. 9, line 7).

However, even if the Examiner’s statement that wireless station 3 “serves as” the AP is meant to imply that any of the stations could be an access point (which Applicant does not concede is a valid interpretation of Benveniste), there is still no suggestion in Benveniste of “a second station ... broadcasting information descriptive of the second session taking into account the information descriptive of the first session, wherein the second station can be any of the plurality of stations,” or “any of the plurality of stations ... broadcasting information descriptive of the session taking into account any previously broadcast information descriptive of any previous session established by a different station,” as required by claims 1 and 5, respectively.

With respect to previously pending claim 44 (dependent on claim 1), the Examiner rejected claim 44 as anticipated by Benveniste, but the Examiner did not specifically address the subject matter of claim 44 to explain the basis for the rejection. Previously pending claim 44 recited that “a second station desires to establish a second session of regularly-repeated contention-free transmission intervals, wherein the second station can be any of the plurality of stations” and also required “having the second station determine the timing of the second session taking into account the information descriptive of the first session.”

As mentioned above, during the interview, the Examiner indicated that the “wireless station 5” in Fig. 1B of Benveniste was being interpreted as the recited “second station” of claim 44. However, Benveniste merely describes that “wireless station 5 will relay a superframe timestamp value that is updated with the passage of time since its receipt, when it transmits its beacon frame packet 100” (col. 13, lines 44-46). There is nothing to suggest that wireless station 5 *establishes* a session of regularly repeated contention-free transmissions, much less, broadcasting information descriptive of the session taking into account information descriptive of a previous session of regularly repeated contention-free transmissions.

Nowhere does Benveniste disclose that a given station establishes a session including broadcasting information descriptive of the session taking into account any previously broadcast information descriptive of any previous session broadcast by a different station.

Additionally, claim 5 also recites "any of the plurality of stations can independently initiate a transmission within the contention free intervals."

In contrast, Benveniste discusses "contention-free transfer based on a polling scheme controlled by the access point of a basic service set (BSS)." (Benveniste at column 5 lines 15-17.) Benveniste goes on to describe the initiation and control of a contention-free period as follows (Benveniste at column 5 lines 50-61):

**At the beginning of a contention-free period, the access point senses the medium; and if it is idle, it sends a beacon packet to all stations. The beacon packet contains the length of the contention-free interval. The MAC coordination in each member station places the length of the contention-free interval in the station's Network Allocation Vector (NAV), which prevents the station from taking control of the medium until the end of the contention-free period. During the contention-free period, the access point can send a polling message to a member station, enabling it to send a data packet to any other station in the BSS wireless cell.**

Benveniste describes the polling mechanism used for control contention-free periods in more detail as follows (Benveniste at column 4 lines 4-54):

**A point coordinator in the access point connected to the backbone of the network controls the priority-based Point Coordination Function (PCF) to dictate which stations in a cell can gain access to the medium. The point coordinator in the access point sends a contention-free poll frame to a station, granting the station permission to transmit a single frame to any destination. All other stations in the cell can only transmit during a contention-free period if the point coordinator grants them access to the medium.**

Therefore once the contention-free period is established, only the access point may enable transmissions by other stations within the contention-free period. The other stations may not independently initiate transmissions within the contention free interval. For at least these reasons, Benveniste does not anticipate either independent claims 1 or 5.

*Dependent Claims 3-4, 6-11, 14, 17, 20-21, 23-27, 30-31, 33-34, and 37-54*

These dependent claims are properly dependent on a respective one of the independent claims 1 and 5, and are thus allowable therewith. These dependent claims add one or more further limitations, which are not presently relied upon to establish patentability. For that reason,

and not because Applicant agrees with the Examiner, no rebuttal is offered to the Examiner's reasons for rejecting these dependent claims.

*Dependent Claims 22 and 36*

These dependent claims are properly dependent on a respective one of the independent claims 1 and 5. Haigh is not understood to remedy the forgoing deficiencies of Benveniste. Rather, Haigh describes a "transaction processing system and method," "which includes a transaction interface for conveying transactions; a memory for storing the transactions in a queue; and a processor." (Haigh at column 1 lines 35-38.) Claims 22 and 36 are thus allowable for at least the reasons discussed in relation to claims 1 and 5.

These dependent claims add one or more further limitations, which are not presently relied upon to establish patentability. For that reason, and not because Applicant agrees with the Examiner, no rebuttal is offered to the Examiner's reasons for rejecting these dependent claims.

*Dependent Claim 32*

This dependent claim is properly dependent on a respective one of the independent claims 1 and 5. Hong is not understood to remedy the forgoing deficiencies of Benveniste. Rather, Hong describes "a method for performing handover by a subscriber station (SS) in a broadband wireless communication system including a serving base station (BS) communicating with the SS." (Hong, Abstract.) Claim 32 is thus allowable for at least the reasons discussed in relation to claims 1 and 5.

This dependent claim adds one or more further limitations, which are not presently relied upon to establish patentability. For that reason, and not because Applicant agrees with the Examiner, no rebuttal is offered to the Examiner's reasons for rejecting this dependent claim.

New claims 55 and 56

Claims 55 and 56 each depend on claim 1, and are thus allowable therewith.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing remarks, the entire application is now believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's attorney can be reached at the address shown below. Telephone calls regarding this application should be directed to 617-521-7075.

\$460 for the required Petition for Extension of Time fee and \$1680 for the required excess claims fees are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account Authorization. Please apply any additional charges or credits to deposit account 06-1050, referencing Attorney Docket No. 04838-075001.

Respectfully submitted,

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